

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

City of Granite City, An Illinois municipal corporation  
Petitioner,

Vs.

The Department of Transportation of the State of Illinois, for and  
in behalf of the People of the State of Illinois, Gateway Eastern  
Railway Company, Kansas City Southern Railway Company  
(Gateway Western Railway Company), Norfolk Southern Railway  
Company, and Union Pacific Railroad Company,  
Respondents.

T02-0067

Petition for an Order regarding a separation of grades and  
construction of an overpass at Pontoon Road, Granite City,  
Illinois, closing of the railway crossing at 22<sup>nd</sup> Street, an  
apportionment of costs thereof, including directing payment to be  
borne by the Grade Crossing Protection Fund, and other stated  
or requested relief.

SECOND SUPPLEMENTAL INTERIM ORDER

By the Commission:

On December 4, 2002, the Illinois Commerce Commission ("Commission") entered its Interim Order in this case, which granted permission to the City of Granite City ("City") to proceed with the preliminary engineering, right-of-way assessment and documentation, and soil boring and analysis, pertaining to the proposed construction of a highway overpass structure to carry Pontoon Road over the tracks of the Norfolk Southern Railway Company ("NS"), Kansas City Southern Railway Company and Gateway Western Railway Company ("KS"), and the Union Pacific Railroad Company ("UP") and Ill. Rte. 203 (Nameoki Road), in the City. The Interim Order also divided the cost for the preliminary engineering, right-of-way assessment and documentation, and soil boring and analysis between the Grade Crossing Protection Fund ("Fund") and the Illinois Department of Transportation ("IDOT").

On June 18, 2003, the Commission entered its Interim Supplemental Order that required a payment of \$2,000,000 be made from the Fund to the City to pay for eleven (11) parcels involved in the right of way acquisition required for construction of the Pontoon Road overpass; it is understood by all parties that if the construction phase of the project is approved to proceed, the \$2,000,000 allocation will be counted as part of the total amount of Fund assistance for this project. By allowing the City to purchase these eleven (11) properties at this time the overall cost of the project could be reduced.

This would then lower the overall level of participation of the Fund in the cost of the project.

On September 18, 2003, a Status Hearing was held before a duly authorized Administrative Law Judge at the Commission's Springfield Office. Present at the hearing were counsel for the NS, KC, UP, and the City. Representatives of IDOT and Commission's Rail Safety Section ("Staff") were present and participated in the hearing. At the conclusion of the hearing on September 18, 2003, the case was continued to December 11, 2003, at 10:00 AM at the Commission's Springfield offices.

The Interim Order required the City to have the preliminary engineering, right of way assessment and documentation and soil boring and analysis completed by December 31, 2003. At the Status Hearing on September 18, 2003, the City testified that it has entered into contracts or options to purchase all property needed for the construction of the highway overpass structure. The City is currently appraising hardship cases (to start purchasing property as soon as possible). The City has already received approval of the traffic study from IDOT. The geotechnical report was completed and submitted, but additional borings have been requested by IDOT. Structure plans will be complete by the end of 2003. However, final approval from IDOT will not be forthcoming until February 2004, at the earliest. Therefore, the City requests an extension of time to and including March 31, 2004, within which to complete the work as required by the Interim Order dated December 4, 2002.

Staff has reviewed the request made by the City at the September 18, 2003, Status Hearing and has no objection to granting the City's request for the extension of time. No other party expressed opposition to the requested extension of time.

The Commission, having given full consideration to the complete record in this matter, finds that:

- 1) the Commission has jurisdiction of the parties hereto and the subject matter herein;
- 2) the recitals of fact as set forth in the prefatory portion of this Second Supplemental Interim Order are true and correct and should be adopted as findings of fact;
- 3) an extension of time to and including March 31, 2004, should be granted to the City, within which to complete the work as required by the Interim Order and Supplemental Interim Order dated December 4, 2002, and June 18, 2003, respectively;
- 4) all other terms and conditions of the Interim Order and Supplemental Interim Order should remain in full force and effect except as herein modified;

IT IS THEREFORE ORDERED by the Commission that an extension of time to and including March 31, 2004, be, and it is hereby, granted to the City within which to

complete the work as required by the original Interim and Supplemental Interim Orders dated December 4, 2002, and June 18, 2003, respectively.

IT IS FURTHER ORDERED that all bills eligible for Fund reimbursement shall be submitted to the Bureau of Local Roads and Streets, District 8, of the Illinois Department of Transportation, 1102 Eastport Plaza, Collinsville, Illinois, 62234. Copies of all bills received shall be forwarded to the Director of Processing and Information, Transportation Division of the Commission. All bills shall be received within six months from the completion date as specified in this Second Supplemental Order.

IT IS FURTHER ORDERED that except as modified herein, all other terms and conditions of the Interim Order and Supplemental Interim Order dated December 4, 2002, and June 18, 2003, respectively, shall remain in full force and effect.

IT IS FURTHER ORDERED that the Administrative Law Judge has scheduled a status hearing for December 11, 2003, at 10:00am at the Commission's Springfield office. All parties are expected to have a representative present at the hearing.

IT IS FURTHER ORDERED that subject to Sections 18c-2201 and 18c-2206 of the Law, this is a final decision of the Commission subject to Administrative Review Law.

By Order of the Commission this 22<sup>nd</sup> day October, 2003.

JUDGE	<i>[Signature]</i>
SECTION CHIEF	<i>[Signature]</i>
ORDERS SUPERVISOR	<i>[Signature]</i>

*Edward C. Husley 2*

Chairman